he would confine his remarks to the general lines on which the law should be modified so as to make it workable. In his opinion, the chief defect was in the agency now made responsible for working the Regulation *viz.*, the Revenue Department. With their multifarious duties, the Tahsildars had little or no time to devote to applications for loans. The Agricultural Department would take greater interest in the matter and the work should therefore be entrusted to that department. It should be ruled that applications for loans should be made to the Tahsildar in triplicate. That officer should forward one copy to the Director of Agriculture and one copy to the local P. W. D. Sub-Divisional Officer, and retain the remaining copy in his office. The Director should report about the nature of the proposed works, the effects of the improvements and the advisability of granting the loan. The P. W. Officer should prepare and forward to the Tahsildar an estimate of cost of the works proposed to be done. On receipt of both those reports and in the light of his own independent enquiries, the Tahsildar should submit his report to the Peishkar. After obtaining sanction to the loan, the works should be entrusted to the applicant, as if he were a contractor, and a small percentage of the loan should be at once given to him as an advance, the balance being paid only on completion of the works.

The Member next suggested that the rate of interest on the loans should be reduced from 4 to 3 per cent.

He also proposed that the Peishkars and the Government should be competent to grant loans not exceeding Rs. 1,000 and Rs. 20,000 respectively.

Lastly, the Member observed that the rule requiring that the securities offered should be free of *all* encumbrances should be relaxed and that the only precaution necessary was to see that the loan granted was well within the value of the property or other security less the encumbrances thereon. He added that the rigidity of the present rule was mainly responsible for the unworkability of the Regulation.

Dewan's reply.—The Additional Head Sirkar Vakil will be asked to take up the Agricultural Loans Regulation for amendment at an early date.

27. The necessity for amending the Nair Regulation in respect of partition and Makkathayam.

Mr. K. Govinda Pillai (Member, Thiruvalla taluk) requested that the Nair Regulation should be so modified as to make provision for individual partition and Makkathayam. He was for introducing the Makkathayam system of the Brahmins, with the exception of the rigidity, relating to marriage, widowhood, &c. Though the original Bill had provided for partition, it was regrettable that that chapter had to be thrown out on account of the weight of objection of the non-official majority. He thought that the non-official members did not in any way represent the opinion of the community as a whole and that the answers given by the several witnesses before the Commission would be a better guide. The Member said that no lengthy arguments were necessary to prove that the Marumakkathayam system was quite unsound and could not stand much longer. Under it there could be no responsibility or individual credit. The system, as it were, coerced affection against nature. The absence of many traders among the Marumakkathayees, the numerous cases of alienation of properties by them, the endless litigation, the comparatively slow progress of education among them, the utter absence of credit, the absence of any feeling of responsibility, the existence of a number of unmarried girls in the community, were, the Member said, but a few of the evils incidental to the system. He therefore prayed that the Regulation might be suitably modified at an early date.

Dewan's reply.—Noted.

28. Age of consent,—the desirability of amending Section 375 of the Penal Code so as to raise the age of the consent to 14.

Mr. K. A. Krishna Aiyangar B. A., B. L., (Member, T. I. C., Alleppey) said that Section 375 of the Travancore Penal Code generally penalised co-habitatnio

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with a girl, with or without her consent, if she was under the age of twelve. An exception was made in favour of the husband when the wife was not under ten years of age. In the Indian Penal Code, however, the age of consent was raised to twelve both as against strangers and husbands, by Sir Andrew Scoble's Amending Bill of 1891. The object of the statutory rule was, in the suggestive phraseology of Sir Andrew Scoble, to prevent immature prostitution and premature co-habitation.

The evils of early consummation assumed an alarming aspect in parts of Bengal and the case of Hari Maiti drew the attention of the Government of India to the necessity for legislative interference and Sir Andrew Scoble's Age of Consent Bill was introduced into the Supreme Legislative Council. Though there was serious opposition from certain influential quarters, led by Sir Romesh Chander Mitter, there was a large volume of public opinion in support of the measure and the Bill became law. The main objection urged against the change as regards the husband was that it interfered with the socio-religious obligation in some communities to hold the Garbadanom ceremony within sixteen days after the girl attained puberty. In practice this rule was more honored in the breach than in the observance. It was unfortunate that that objection should have weighed with the majority in the Travancore Legislative Council when Regulation I of 1074 was passed.

In the opinion of competent medical men, premature maternity impaired the vitality and staying power of the mother. Indian girls aged prematurely. It was responsible in a large measure for increased infant mortality. The physical efficiency of the nation suffered. Woman was frequently and rightly spoken of as the capital wealth of a nation and if the burden of maternity was imposed on young shoulders before they were strong enough to bear it, national bankruptcy must be the result.

The evils of maternity, viewed from a mere physical standpoint, were the same, whether the maternity was the outcome of cohabitation with the husband or the result of a course of prostitution. There was therefore no justification for fixing, as the local Legislature had done, a different age of consent for husbands as distinct from strangers. Even the general rule of twelve was not sufficiently high.

Dewan.—Do you think it likely that there will be any opposition from the orthodox portion, particularly of the Brahmin community?

Member.—A great change has come over our thoughts and outlook on life since the date of Sir Andrew Scoble's Bill. Twenty-five years ago, no one would have attempted any legislation affecting the Brahmin community on the lines of the Post-puberty Marriage Bill of the Hon. Mr. Srinivasa Sastri, and, if attempted, it would not have commanded any following. Now there is a large volume of cultured opinion in support of the Bill. The supporters of the Bill cannot consistently oppose the proposal to raise the age of consent. I know there is a much larger volume of opinion against this apparently innocuous Bill—a mere permissive piece of legislation. The opponents of the Bill think it will revolutionise our society. Surely it goes against cherished convictions, sanctified by the course of centuries. No useful purpose will be served by speculating as to the causes which have brought about the institution of pre-puberty marriages amongst Brahmins. We have to recognize it as a settled incident of married life amongst orthodox Brahmins. The vast majority of Brahmin ladies cannot be persuaded in the present stage of society to defer the marriage of their girls till after puberty. They exercise considerable influence in all questions relating to the marriage of their sons and daughters in spite of the ignorant criticism of western critics regarding the position of our women. Social ostracism is still a powerful factor in our midst. There are other factors of a socio-economic character and influence of our joint family life pointing to the necessity of a pre-puberty marriage. Since I sent in my subject, a large volume of criticism on the Bill of Mr. Srinivasa Sastri has appeared in the Madras papers and the opponents of the Bill recognise the existence of certain evils which the Bill may remove, the evil of premature maternity for instance, and in the place of the post-puberty marriage, they suggest raising the age of consent. One critic

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actually suggested fourteen as the proper age. Thus both the adherents and opponents of Mr. Sastri's Bill will bless any proposal to raise the age of consent as that will reconcile the existing system of marriage with the requirements of modern life. I do not, therefore, Sir, apprehend any serious opposition from the members of my community. I may be permitted to add that what was even more surprising than the opposition to Sir Andrew Scoble's Bill was the silent acquiescence with which the change was accepted as soon as it became law.

The Member, continuing, said that Indian life had become more complex since those days. The old simple habits were dying out. The stress and strain on the life of the Indian men and women, and of the boys and girls, were increasing day by day. The old age limit undoubtedly required revision.

It was not a question of interfering with the religion of the people or the basic structure of society. It was a question of humanity and public morality. His Highness's Government had already asserted its right of interference in a matter of sexual union when its legislature introduced an age of consent at all. The only question that called for consideration was whether, in the interests of society, the age ought to be raised. The majority of medical men consulted by the Government of India at the time of Sir Andrew Scoble's Bill were of opinion that fourteen would be the proper age According to Ayur Veda, fourteen was the proper age for girls for consummation of marriage.

Section 375 covered cases of prostitution as well as consummation of marriages. As regards the former, there was no justification whatever for the assumption that girls of twelve were physically and mentally competent to assent to a course of prostitution. No legislature had attempted to banish prostitution from society altogether. That had to be left to spiritual and moral laws. Municipal law could and ought to defer the evil day. It was no violent interference with individual freedom of action. An immature girl of twelve could not be said to be a free agent.

As regards married girls too, the present age limit was very low. The situation would not be greatly improved by raising it to twelve. Nearly twenty-five years had elapsed since Sir Andrew Scoble's Bill fixing it at twelve was passed. It was adopted as the irreducible minimum. Great changes had happened since then. In Travancore the conditions for a forward move were more favourable than in other parts of India. The bulk of the people went in for the post-puberty form of marriage. Except among the non-Malayala Brahmins, there was no socio-religious necessity for the pre-puberty marriage. The general standard of literacy and intelligence amongst men and women was higher in the State than in other parts of India. There was greater social freedom and less of blind opposition to progressive ideas. The action of His Highness's Government was not likely to be misunderstood. The people knew that His Highness's thoughts by day and His dreams by night were for the amelioration of the material and moral condition of His subjects. The times were favourable for carrying out the imperative change. There was another aspect of the question also to be considered. Year after year more girls' schools were opened in the country. It was not clear how the girls could get the full benefit of the increasing educational facilities so generously provided by Government if they were likely to be called upon to set up house-keeping and enter upon the serious work of life before they were physically and mentally fit for it.

Dewan. Mr. Krishna Aiyangar, in practice are there many cases of early consummation of marriage?

Member.—Yes, Sir. I cannot give the approximate figure. Taking the whole State, the percentage of married girls between the ages of ten and fifteen is 8·4, all important communities in the State contributing to it. No doubt the tendency on the part of the parents of the girls is to defer the consummation as far as possible. Not infrequently they have to yield to the wishes of the bridegroom's party. I submit the hands of the girl's parents or guardians have to be strengthened by the Legislature.

To prevent any wanton interference by the Police with the privacy of the homes, the Member suggested that the Criminal Procedure Code be so amended that

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where the offender was the husband, he could not be arrested without a warrant, the offence be made bailable and no prosecution be started without the written sanction of the District Magistrate. No police officer below the status of an Inspector should investigate the case. A milder punishment might also be provided.

In conclusion, the Member said that nothing that would increase the beneficent influence of woman as the guardian angel of Indian homes ought to be withheld from her.

Dewan's reply.—The Member's suggestions will be referred to the Division Peishkars for report.

29. The adoption of means for affording greater advantages to minors under the Mahomedan Law.

Mr. Kochu Hassan Kunju (Member, Nominated) said that the Mahomedans living in Travancore belonged to the sect called the Sunnis. Their grievances related to the guardianship of minor daughters. According to the law obtaining among the Sunnis, the guardianship of a minor daughter vested with the mother or, in the event of the mother's death during the daughter's minority, with the mother's mother till the daughter attained her majority. The law, the Member pointed out, produced the following evils :—

(1) The guardianship of the mother's mother deprived the child of the benefits of education, etc., which it could have obtained at the hands of its father.

(2) The system often gave rise to bad blood between the father and the guardian.

(3) The guardianship of the grandmother resulted in the separation of the child from its father, which invariably produced disastrous consequences to the child. The separation was tantamount to a cruel and unnatural severance of natural affections.

(4) The guardian sometimes contracted marriages for the minor daughters not calculated to their good, and thereby deprived the father of his inherent right to give his daughters in marriage.

The Member quoted from Amir Ali's Mahomedan Law to show that the natural guardianship of children should rest with the father. He therefore requested that a law be passed modifying the existing Sunni law and conferring on the father the guardianship of his minor daughters. He also presented a memorial on the subject, signed by several Mahomedans of Quilon and other places.

Dewan's reply.—Noted.

30. Certain amendments to the Weights and Measures Regulation.

Mr. P. Jacob Kurien (Member, T. I. C., Mavelikara) said that the people were put to much inconvenience and difficulty owing to certain imperfections and ambiguities in the Weights and Measures Regulation. He mentioned the following as some of the defects which required to be remedied :—

Section 5 simply prohibited the *use* of any but the authorised weights and measures. It was nowhere laid down as to what should be done with the old weights and measures, and in the present wording of the Section, it would appear that the mere possession of such weights and measures was not penal. The Member suggested that the destruction of the old weights and measures should be specifically ordered and their possession declared punishable in the same way as the keeping or possession of distilling apparatus &c., was made penal under the Abkari Regulation.

Section 8 gave power to the Wardens to deface or destroy false weights and measures that might be taken to them. The possessor of false weights or measures would not take them to the Wardens if he could at all help it. The section should be modified so as to authorise the Wardens to destroy any false weights or measures found anywhere during their inspection.

Section 10.—The Regulation did not anywhere specify the officers whose duty it was to start prosecutions, collect evidence and bring the offenders to book.

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